

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

In re: KRISJENN RANCH, LLC § Chapter 11
Debtor § Case No. 20-50805
§
§

KRISJENN RANCH, LLC and
KRISJENN RANCH, LLC-SERIES
UVALDE RANCH, and KRISJENN
RANCH, LLC-SERIES PIPELINE
ROW as successors in interest to
BLACKDUCK PROPERTIES, LLC,
Plaintiffs

v.

DMA PROPERTIES, INC., and
LONGBRANCH ENERGY, LP,
Defendants

§ Adversary No. 20-05027

DMA PROPERTIES, INC
Cross-Plaintiff/Third Party Plaintiff

v.

KRISJENN RANCH, LLC,
KRISJENN RANCH, LLC-SERIES
UVALDE RANCH, and KRISJENN
RANCH, LLC-SERIES PIPELINE ROW,
BLACK DUCK PROPERTIES, LLC,
LARRY WRIGHT, and JOHN TERRILL
*Cross-Defendants/Third-Party
Defendants*

§ Adversary No. 20-05027

KRISJENN RANCH, LLC, KRISJENN RANCH, LLC-SERIES UVALDE RANCH, AND
KRISJENN RANCH, LLC-SERIES PIPELINE ROW, AS SUCCESSORS IN INTEREST TO
BLACK DUCK PROPERTIES, LLC, AND LARRY WRIGHT'S
OBJECTION TO AN ISSUE RAISED BY DEFENDANTS OUTSIDE THE SCOPE OF THE
REMAND ORDER

TO THE HONORABLE CHIEF BANKRUPTCY JUDGE RONALD B. KING:

COME NOW Debtors KrisJenn Ranch, LLC, KrisJenn Ranch, LLC-Series Uvalde Ranch, and KrisJenn Ranch, LLC-Series Pipeline Row, as successors-in-interest to Black Duck Properties, LLC (collectively the “Debtors”), and Larry Wright (“Wright”), and file this Objection to an Issue Raised by Defendants DMA Properties, Inc. and Longbranch Energy, LP (collectively “Defendants”) Outside the Scope of the Remand Order, and in support would respectfully show the Court as follows:

I.
BACKGROUND

1. The District Court remanded this case instructing this Court to “consider the damage model presented to it in the first instance and other gains-based remedies pursued at trial.” Case 5:21-cv-00358-JKP [#40] at 38. There are no other issues before this Court.

2. Under the mandate rule, a “lower court on remand must implement both the letter and the spirit of the appellate court’s mandate and may not disregard the explicit directives of that court.” *United States v. Matthews*, 312 F.3d 652, 657 (5th Cir. 2002).

3. At the last pretrial conference on November 2, 2023, Defendants accused Wright of violating the Court’s order and transferring the ROW to another entity he controls. Defendants and the Court are well aware that they must file an adversary proceeding if they wish to adjudicate that matter. Accordingly, the Court ordered Defendants not to brief this issue.

4. In blatant disregard of the Court’s order, Defendants made the above argument in their Briefing on Remedies in an attempt to further besmirch Wright. DMA and Longbranch’s Briefing on Remedies [#321] at 11. Debtors and Wright object to any reference by Defendants to this issue as it is well outside the scope of the remand order, and they object to trying this issue by express or implied consent. *See* FED. R. CIV. P. 15(b)(1) and (2).

WHEREFORE, PREMISES CONSIDERED, Debtors and Wright pray that this Court sustain their Objection to an Issue Raised by Defendants DMA Properties, Inc. and Longbranch Energy, LP Outside the Scope of the Remand Order, order that the Court will not consider during trial or in its order on remand any reference by Defendants to Wright violating the Court's order and transferring the ROW to another entity he controls, and for such further relief as the Court may deem them justly entitled.

Dated: January 29, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record by way of e-service through the CM/ECF system by notice of electronic filing or via email on the 29th day of January 2024:

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